

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Howard Jackson,

Plaintiff,

v.

Case No. 19-cv-1987 (JNE/BRT)  
ORDER

Ace Cash Express; Jay B. Shipowitz, C.E.O.  
of Cash Express; Susan S. Pressler; Deputy  
Kevin M. Murphy; and F.D.I.C.

Defendants.

This case is before the Court on a Report and Recommendation dated August 15, 2019. The magistrate judge recommended that all claims grounded in state law be dismissed without prejudice for lack of subject-matter jurisdiction; that all claims grounded in federal law brought against the named Defendants be dismissed with prejudice; and that Plaintiff's application to proceed in forma pauperis be denied. Plaintiff objected. The Court has conducted a de novo review of the record. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); D. Minn. LR 72.2(b). Based on that review, the Court accepts the recommendations to dismiss Plaintiff's claims under federal law and to deny his application to proceed in forma pauperis. The Court declines to exercise supplemental jurisdiction over his state-law claims and dismisses the state-law claims without prejudice. *See Carlsbad Tech., Inc. v. HIF Bio, Inc.*, 556 U.S. 635, 639 (2009) ("With respect to supplemental jurisdiction in particular, a federal court has subject-matter jurisdiction over specified state-law claims, which it may (or may not) choose to exercise. A district court's decision whether to exercise that jurisdiction after dismissing

every claim over which it had original jurisdiction is purely discretionary.” (citation omitted)); *Waters v. Madson*, 921 F.3d 725, 735 n.6 (8th Cir. 2019) (“While a district court may decline to exercise supplemental jurisdiction over a state-law claim brought pendent to federal-question claims when the district court ‘has dismissed all claims over which it has original jurisdiction,’ it is not required to do so if declining jurisdiction would run contrary to ‘judicial economy, convenience, fairness, and comity.’” (quoting *City of Chicago v. Int’l Coll. of Surgeons*, 522 U.S. 156, 173 (1997))). To the extent the Report and Recommendation is consistent with this Order, the Report and Recommendation [Docket No. 5] is adopted.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. This action is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B) as follows:
  - a. All claims grounded in state law are DISMISSED WITHOUT PREJUDICE.
  - b. All claims grounded in federal law brought against the named Defendants are DISMISSED WITH PREJUDICE.
2. Plaintiff’s application to proceed in forma pauperis [Docket No. 2] is DENIED.
3. The Clerk of Court shall terminate Docket No. 3.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 13, 2019

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge